

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JENNA SKONIECZNY, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEBORAH SKONIECZNY,

Respondent-Appellant.

UNPUBLISHED

April 19, 2005

No. 258776

Macomb Circuit Court

Family Division

LC No. 00-049255-NA

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that at least one statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The trial court relied on MCL 712A.19b(3)(g) in making its determination. The evidence was clear, and respondent admitted, that respondent's alcohol problem existed for many years, respondent did not deal with this problem in a positive manner, and she made inappropriate decisions regarding the minor child's safety and well being that placed the minor child at risk of harm. Respondent drove a car while intoxicated with the minor child in the car and allowed the minor child to ride in a car while others who were intoxicated drove. Respondent was involved in an accident while under the influence of alcohol and the minor child was in the car at the time. The principal of the minor child's school testified that respondent was often intoxicated when she picked up the child from school and drove in that condition, which respondent admitted. Respondent was intoxicated and called the police to report that the minor child was missing because she did not know where minor child was, and respondent admitted that she continued to drink a beer when the police arrived and did not recall telling the minor child to go to a friend's trailer.

This was the second time that the child had come into the temporary custody of the court. The first time the child was placed in her father's custody, but the child's father subsequently died and the child was returned to respondent. The evidence showed that respondent continued to have problems with alcohol abuse, failing to care for the minor child and placing her at risk.

Respondent also visited the child only twice during the most recent period of court custody, claiming that she could not walk to the bus but admitting that it might have been possible to get a ride. While the trial court believed that respondent appeared to be finally attempting to address her abuse of alcohol, the court did not err in determining that the evidence established that it would take too long for respondent to get back on her feet and take care of the minor child.

The trial court also did not clearly err in determining that termination of respondent's parental rights was not against the best interests of the minor child. There was a bond between respondent and the minor child; respondent loved the minor child and wanted what was best for her, and that the minor child wanted to be with respondent. However, despite this bond, respondent's actions showed that she was unable to provide the minor child with what she needed.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder